

## **REMARKS**

### **Request For Reconsideration, Claims Pending**

The non-final Office action mailed on 12 September 2006 has been considered carefully. Reconsideration of the subject application in view of any amendments above and the remarks below is respectively requested.

Claims 1 and 23 have been amended idiomatically and grammatically.

Claims 1-23 are pending.

### **Allowability of Claims over Kallio**

#### **Rejection Summary**

Claims 1, 3-5, 7-8 and 22-23 stand rejected under 35 USC 102(b) for anticipation by US Publication 2002/0147008 (Kallio).

Claims 6, 10 and 13-14 23 stand rejected under 35 USC 103(a) as being unpatentable over US Publication 2002/0147008 (Kallio).

#### **Discussion of Claim 1**

Regarding Claim 1, Kallio fails to disclose a

... method in a wireless communications device, the method comprising:

obtaining a measure of mobility of the wireless communications device;

monitoring a first system while selected to a second system only if the measure of mobility exceeds a mobility threshold.

The Examiner citation to various passages of Kallio to support the asserted rejection is misplaced. At paragraph [0040], Kallio discloses a mobile station that attempts a GSM location update when WLAN transmission level indicates that a GSM cell should be selected. At paragraph [0041], Kallio discloses a mobile station that obtains GSM neighbor measurements upon receiving neighbor cell information from the wireless mobile center (WCM. At paragraph [0048], Kallio merely discusses resuming measuring GSM neighbor cells when the WLAN transmission level (rx-level) drop between upper and lower thresholds. Contrary to the Examiner's assertion, Kallio does not disclose obtaining a "... measure of mobility ..." of a wireless communication device, or disclose "... monitoring a first system while selected to a second system only if the measure of mobility exceeds a mobility threshold". Claim 1 is thus patentably distinguished over Kallio.

#### Discussion of Claim 10

Regarding Claim 10, Kallio fails to disclose or suggest

...method in a hybrid wireless communications device, the method comprising:

comparing a mobility measurement of the wireless communications device to a mobility threshold while connected to a broadband wireless network;

monitoring a cellular communications network if the mobility measurement is greater than a mobility threshold;

not monitoring the cellular communications network if the mobility measurement is not greater than the mobility threshold.

The Examiner citation to various passages of Kallio to support the asserted rejection is misplaced. At paragraph [0012], Kallio discusses an active mobile station on a GSM that is forced to handover to a target WLAN based on a handover request from the BSS to a MSC. At paragraph [0013], Kallio discusses a BSS handover algorithm that request handover based on transmission levels (rx-level) relative to a threshold. At paragraph [0036], Kallio discusses making a location update when handing over from GSM to WLAN. At paragraph [0037], Kallio discusses roaming from GAM to WLAN when the transmission level threshold comparison indicates that WLAN should be selected. Kallio does not disclose "... comparing a mobility measurement of the wireless communications device to a mobility threshold ..." or "... monitoring a cellular communications network if the mobility measurement is greater than a mobility threshold..." or "... not monitoring the cellular communications network if the mobility measurement is not greater than the mobility threshold." Claim 19 is thus patentably distinguished over Kallio.

#### Discussion of Claim 22

Regarding Claim 22, Kallio fails to disclose a

... method in a wireless communications device, the method comprising:

obtaining a measure of mobility of the wireless communications while selected to a cellular wireless communication system;

monitoring for a broadband wireless communication system while selected to the cellular wireless communications system only if the measure of mobility exceeds a mobility threshold.

The Examiner citation to various passages of Kallio to support the asserted rejection is misplaced. At paragraph [0040], Kallio discloses a mobile station that attempts a GSM location update when WLAN transmission level indicates that a GSM cell should be selected. At paragraph [0041], Kallio discloses a mobile station that obtains GSM neighbor measurements upon receiving neighbor cell information from the wireless mobile center (WCM. At paragraph [0048], Kallio merely discusses resuming measuring GSM neighbor cells when the WLAN transmission level (rx-level) drop between upper and lower thresholds. Contrary to the Examiner's assertion, Kallio does not disclose obtaining a "... measure of mobility ..." of a wireless communication device, or disclose "...monitoring for a broadband wireless communication system while selected to the cellular wireless communications system only if the measure of mobility exceeds a mobility threshold". Claim 22 is thus patentably distinguished over Kallio.

### **Allowability of Claims over Kallio & Stoter**

#### **Rejection Summary**

Claims 2, 9, 11, 15 and 20-21 stand rejected under 35 USC 103(a) as being unpatentable over US Publication No. 2002/0147008 (Kallio) in view of US Patent No. 7,092,710 (Stoter).

#### **Discussion of Claim 20**

Regarding Claim 20, Kallio and Stoter fail to disclose or suggest a

... method in a wireless communications device operable on first and second wireless communication systems, the method comprising:  
operating on the first wireless communications system;  
making signal measurements on the second wireless communications system;  
selecting the second wireless communications system if signal measurements on the second wireless communications system exceeds a dynamic threshold for a specified time period,  
the dynamic threshold compensates for changes in regression error of the signal measurements on the second wireless communications system.

In paragraph [0013], Kallio discusses a BSS handover algorithm that request handover based on transmission levels (rx-level) relative to a threshold. Contrary to the Examiner's assertion, Kallio does not disclose or suggest selecting a second wireless communications system if signal measurements on the second wireless communications system exceed a "dynamic threshold for a specified time period...."

The Examiner admits that Kallio fails to disclose a "... dynamic threshold [that] compensates for changes in regression error of the signal measurements on the second wireless communications system" but cites col. 4, lines 7-21 of Stoter to meet the deficiency of Kallio. The cited passage of Stoter (col. 4, lines 7-21) however merely discusses bit error rate (BER) and frame error rate (FER) as a measure of link quality. Stoter also fails to disclose or suggest a "...dynamic threshold [that] compensates for changes in regression error of the signal measurements on the second wireless communications system." Claim 20 is thus patentably distinguished over Kallio and Stoter.

## **Allowability of Claims over Kallio & Chheda**

### **Rejection Summary**

Claims 16 and 18-19 stand rejected under 35 USC 103(a) as being unpatentable over US Publication No. 2002/0147008 (Kallio) in view of US Publication No. 2003/0114162 (Chheda).

### **Discussion of Claim 16**

Regarding Claim 16, Kallio and Chheda fail to disclose or suggest

a

... method in a wireless communications device capable of communicating in a cellular communications network and in a broadband wireless network, the method comprising:

determining regression line error information based on broadband wireless network signal measurements;

monitoring a cellular communications network if the error information is greater than a threshold;

not monitoring the cellular communications network if the error information is not greater than the threshold.

The Examiner admits that Kallio fails to disclose determining "...regression line error information based on broadband wireless network signal measurements..." but asserts that paragraph [0024] of Chheda meets this deficiency. In paragraph [0024], Chheda discusses orthogonal code reuse and particularly collision detection based on frame error rate (FER) exceeding a threshold, which are used to trigger hard handoff. Contrary to the Examiner's assertion, there is no disclosure or discussion of using regression line error as a basis for monitoring a network. The term "regression" does not

even appear in the publication. Claim 16 is thus patentably distinguished over Kallio and Chheda.

**Prayer For Relief**

The abandonment of the application is therefore improper and must be withdrawn. Kindly withdraw the abandonment of the referenced application and proceed with the examination thereof on the merits without further delay.

Respectfully submitted,

/ R K Bowler /

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